
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Washington Mina)	File No.: EB-FIELDNER-13-00010880
Licensee of Maritime Radio Station)	
Owner of Vessel "EL Catrocho")	NOV No.: V201332320012
Worth, Illinois)	

NOTICE OF VIOLATION

Released: September 4, 2013

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Washington Mina, licensee of a maritime radio station and owner of the vessel "EL Catrocho" located in Hammond, Indiana. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On August 23, 2013, an agent of the Enforcement Bureau's Chicago Office responded to a complaint of interference from the United States Coast Guard (USCG) in Milwaukee, Wisconsin, regarding a continuous unmodulated carrier transmitting on VHF Marine Channel 16, the international radiotelephone distress, urgency, safety, and calling frequency used by the USCG. Using radio direction finding techniques, the Chicago agent traced the interfering signal to a faulty VHF Marine radio installed and operated on the vessel "EL Catrocho," which was docked at Slip B5 at the Hammond Marina in Hammond, Indiana. This continuous transmission was in violation of the following:

47 C.F.R. § 47 C.F.R. § 80.89(d): "Stations must not use telephony, transmit signals or communications not addressed to a particular station or station" The VHF marine radio installed on the vessel "EL Catrocho" was transmitting a continuous signal with no audio on Marine Channel 16.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Washington Mina must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 U.S.C. § 403.

Federal Communications Commission

pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Washington Mina to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Washington Mina, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in Washington Mina's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Chicago Office
1550 North Northwest Hwy., Suite 306
Park Ridge, Illinois 60068

6. This Notice shall be sent to Washington Mina at his address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James M. Roop
District Director
Chicago District Office
Northeast Region
Enforcement Bureau

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).